

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

| | | |
|--------------------------|---|-------------------|
| ABIODUN ADEFURIN, M.D., |) | |
| |) | |
| Plaintiff, |) | JURY DEMAND |
| |) | |
| v. |) | |
| |) | CAUSE NO: |
| |) | |
| MEHARRY MEDICAL COLLEGE, |) | Judge: |
| |) | |
| Defendant. |) | Magistrate Judge: |

COMPLAINT AND DEMAND FOR JURY TRIAL

I. NATURE OF THE CASE

1. This is an action brought by Plaintiff, Abiodun Adefurin (“Adefurin”), by counsel, against Defendant, Meharry Medical College, (“Defendant”), pursuant to the Family and Medical Leave Act of 1993 (“FMLA”), as amended, 29 U.S.C. §2601 et. seq.

II. PARTIES

2. Adefurin is a United States citizen and resident of Tennessee, who at all times relevant to this action, resided within the geographical boundaries of the Middle District of Tennessee.

3. Defendant maintains offices and conducts business within the geographical boundaries of the Middle District of Tennessee.

III. JURISDICTION AND VENUE

4. Jurisdiction is conferred on this Court over the subject matter of this litigation pursuant to 28 U.S.C. §1331; 28 U.S.C. §1343; 28 U.S.C. §1367; and 29 U.S.C. §2617(a)(2).

5. Defendant is an “employer” as that term is defined by 29 U.S.C. §2611(4).
6. Adefurin was an “eligible employee” as that term is defined by 29 U.S.C. §2611(2) of the FMLA.
7. All events, transactions, and occurrences relevant to this lawsuit arose within the geographical environs of the Middle District of Tennessee, thus venue is proper in this Court.

IV. FACTUAL ALLEGATIONS

8. Dr. Adefurin was a resident physician with the Defendant from July 1, 2016 through June 30, 2019.
9. Dr. Adefurin requested FMLA leave on April 13, 2018, for the birth of his child. The requested leave started May 27, 2018 and concluded June 11, 2018.
10. Dr. Adefurin had worked at least 1,250 hours over the previous 12 months with the Defendant prior to his FMLA leave request.
11. Defendant employed over 50 people at Dr. Adefurin’s worksite during the relevant time period.
12. In or about June 2018, Defendant’s residency program leadership held a meeting wherein they discussed issues about receiving FMLA leave requests and the repercussions associated therewith when the individual who requested the FMLA leave sought jobs after graduation.
13. A resident class representative, Dr. Ramirez, was in the meeting and confirmed the FMLA leave retaliation discussion to Dr. Adefurin.

14. To Dr. Adefurin's knowledge – only he and one other resident, Dr. Taiwo, had taken FMLA leave in the most recent 12 months. Both were suspended after taking FMLA leave.

15. Dr. Adefurin had an interview for a fellowship position on October 5, 2018. He notified 2 attending physicians about the interview and made arrangements for coverage of his work. He did not inform his Chief Resident, Yvonne Berko, because Dr. Berko was not working that day and had not been at work for 2 weeks.

16. On October 22, 2018, Dr. Berko issued a written disciplinary action to Dr. Adefurin. Moreover, Dr. Adefurin was suspended from work/practice for 2 weeks from December 9, 2018 through December 22, 2018.

17. The written reprimand and suspension remains permanently in Dr. Adefurin's employment file and education file. Moreover, Dr. Adefurin is required to report the reprimand and suspension every time he applies to a medical board, applies for medical privileges at a healthcare facility, or applies for a job as a doctor. As such, there remains continuing harm.

18. In fact, Dr. Adefurin was rejected for a position with Emcare Physician Providers, Inc. in September 2019 due to the suspension. Specifically, he was initially awarded the position and then terminated because the hospital he would be working in refused to credential him due to the suspension.

19. Dr. Adefurin is aware of other residents who have committed similar to worse offenses and have not been disciplined. For example, Dr. Eze was a resident during the

same time period and did not show up to an elective rotation for 1 or 2 days and did not notify the attending doctors or chief residents; however, she was not suspended.

20. Moreover, there is currently another matter before this Court of a resident of Meharry – Dr. Iyebote – who alleges, in part, that she was terminated from the residency program with the Defendant after taking FMLA leave.

21. The Defendant has knowingly and/or in reckless disregard engaged in conduct that violates the FMLA in retaliating and continuing to retaliate/punish Dr. Adefurin for his use of FMLA leave.

COUNT I – VIOLATIONS OF THE FMLA - RETALIATION

22. Dr. Adefurin hereby incorporates paragraphs one (1) through twenty-one (21) of his Complaint.

23. Defendant disciplined, suspended, and continues to punish Dr. Adefurin in retaliation for exercising his rights under the FMLA.

24. Defendant's actions are intentional, willful and in reckless disregard of Dr. Adefurin's rights as protected by the FMLA.

25. Dr. Adefurin suffered and continues to suffer damages because of Defendant's unlawful actions.

REQUESTED RELIEF

WHEREFORE, Plaintiff, Abiodun Adefurin, M.D., by counsel, respectfully requests that this Court find for Plaintiff and order Defendant to:

1. Permanently remove and expunge any record of the disciplinary action and concomitant suspension from his employment file and academic file;

2. Pay to Plaintiff all his lost wages and benefits for the loss of the position(s) due to the unwarranted disciplinary action and suspension;
3. Pay to Plaintiff compensatory damages, damages for mental, physical, and emotional distress and payment of uncovered medical bills and/or insurance premiums;
4. Pay to Plaintiff liquidated damages for Defendant's willful violation of the FMLA and/or punitive damages;
5. Pay to Plaintiff pre-judgment and post-judgment interest;
6. Pay Plaintiff's costs and attorney fees incurred in litigating this action; and,
7. Provide any further equitable relief this Court sees fit to grant.

Respectfully submitted,

s/Kyle F. Biesecker

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DEMAND FOR JURY TRIAL

The Plaintiff, Abiodun Adefurin, by counsel, respectfully requests a jury trial as to all issues deemed so triable.

Respectfully submitted,

s/Kyle F. Biesecker

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